

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CHRISTEL WARE-MARTIN,

Plaintiff,

v.

Case No. 8:23-cv-1229-WFJ-TGW

THE CITY OF PALMETTO, *et al.*,

Defendants.

_____ /

ORDER

This cause comes before the Court on Plaintiff's application to proceed *in forma pauperis* (Dkt. 2) and the complaint (Dkt. 1). The magistrate judge issued a report recommending that the motion be deferred for a ruling to permit Plaintiff to file an amended complaint. Dkt. 3. The time for filing objections has passed.

The Court reviews the legal conclusions *de novo* in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010) (citation omitted); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994). The magistrate judge, in a thorough analysis, found that the complaint (Dkt. 1) does not satisfy basic pleading requirements in both form and factual content. In addition to the pleading deficiencies, the allegations fail to state the basis for federal jurisdiction, particularly in view of the Florida criminal and civil statutes listed without any supporting facts. The magistrate judge also noted that the Defendants

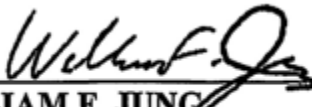
are generally entitled to some type of immunity, depending on whether they are a member of the judiciary, a local appointed or elected official, or law enforcement. For the reasons explained in the Report and Recommendation, and in conjunction with an independent examination of the file, the Court rules as follows:

1. The Report and Recommendation (Dkt. 3) is adopted, confirmed, and approved in all respects and made a part of this order.

2. Ruling on Plaintiff's motion to proceed *in forma pauperis* (Dkt. 2) is deferred pending an opportunity for Plaintiff to file within thirty days a cognizable amended complaint that complies with the Federal Rules of Civil Procedure and substantive federal law.

3. Plaintiff's complaint (Dkt. 1) is dismissed without prejudice. Plaintiff shall file an amended complaint, if so desired, in accordance with the Report and Recommendation within thirty (30) days. If an amended complaint is not timely filed, this matter will be closed without further notice.

DONE AND ORDERED at Tampa, Florida, on October 10, 2023.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

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Plaintiff, *pro se*